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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,418	03/31/2004	Omar Habib Khan	24207-10074	5742
62296	7590	10/31/2007		
GOOGLE / FENWICK SILICON VALLEY CENTER 801 CALIFORNIA ST. MOUNTAIN VIEW, CA 94041			EXAMINER HOANG, PHUONG N	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/814,418

Applicant(s)

KHAN ET AL.

Examiner

Phuong N. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 5 - 26, 30 - 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5 - 26, 30 - 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
PERVISORY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/30/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1, 4 - 26, 29 - 53 are pending for examination.
2. References, not found in this office action, can be found in previous office action.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/14/07 has been entered.

#### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

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F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 26, 52 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 21 of copending Application No. 10/814,317 (refer as 317). Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems comprise substantially the same elements. The differences between the patent no. 317 and this case are the score, and updating access information for the article associated with the event. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize the score would show the duplicate events and the data has to be update after indexing.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1, 26 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 30, 33, 40, 43, 50, 53, 63, 66, 89, 92, 99 of copending Application No. 10/814,357 (refer as 357). Although the conflicting claims are not identical, they are not patentably distinct from

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each other because both computer systems comprise substantially the same elements. The differences between the patent no. 357 and this case is the event having an associated article. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that an event is generated by an user action on an browser.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 5 – 17, 23 - 26, 30 – 42, 48 - 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, US parent no. 6,480,837 in view of Harris, US pub. no. 2002/0091972.**

9. **As to claim 1**, Dutta teaches a method, comprising:

identifying an event having an associated article (event of client 6 submits a search request for a document, col. 3 lines 60 – col. 4 lines 20);

identifying article data (search engine 12 will query the URL index to locate URL) associated with the article; and

determining a capture score (determine ... match the search, col. 5 lines 1 - 25) for the event based at least in part on the article data.

The determining comprising:

Populating one or more fields (field, col. 5 lines 30 – 65, col. 7 lines 60 – col. lines 20) of an event schema (xml) responsive to the article data ;

Associating one or more weights with the one or more fields of the event schema, a weight being a value indicating a relative importance of a field (popularity weight, title, abstract, col. 5 lines 30 – col. 7);

Generating the capture score (match result, col. 5) responsive at least in part to the weights (weights) and contents (content of the document, col. 4 lines 5 – 25), c of the populated fields of the events schema.

Dutta does not teach compiling event data associated with the event at least in part to a comparison of the capture score and the threshold value.

Harris teaches compiling the event data at least in part to a comparison of the capture score and the threshold value (events .... Predefined threshold, 0040).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dutta and Harris's system because Harris's compiler would adjust the actions based on the search results of comparison to execute the search and present to user (0040).

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10. **As to claims 5 – 6, 8 - 9**, Dacosta teaches wherein the article data comprises a location, file type, of the article (col. 3 lines 60 - 65).

11. **As to claims 7, 10**, Dutta teaches the weight is determined at least in part by user behavior (col. 3 lines 45 - 65).

12. **As to claims 11 - 13**, Dutta teaches wherein the article data comprises access data associated with the article (col. 3 lines 55 - 65).

13. **As to claims 14 - 15**, Dutta teaches wherein the capture score is determined at least in part by associating at least one weight with the article data (col. 5 – 7).

14. **As to claims 16 - 17**, Dayton teaches determining a threshold value (chosen threshold value, col. 11 lines 1 – 5).

15. **As to claim 23**, Dutta teaches wherein the location of the article can comprise a directory identifier in which the article is stored (col. 3 lines 45 - 65).

16. **As to claim 24**, Dutta teaches wherein the article is identified during a crawl of a client device (col. 3 lines 45 - 65).

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17. **As to claim 25**, Dacosta teaches determining if the article meets at least one criterion and not capturing the event if the article meets the criterion (col. 3 lines 32 – 50).

18. **As to claim 26**, this is the medium claim of claim 1. See rejection for claim 1 above.

19. **As to claims 30 - 35**, see rejection for claims 5 - 10 above.

20. **As to claim 36 - 40**, see rejection for claims 11 – 15 above.

21. **As to claims 41 – 42**, see rejection for claims 16 – 17 above.

22. **As to claim 48**, see rejection for claim 23 above.

23. **As to claim 49**, see rejection for claim 24 above.

24. **As to claim 50**, see rejection for claim 25 above.



**25. Claims 18 – 22, 43 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, US parent no. 6,480,837 in view of Harris, US pub. no. 2002/0091972, and further in view of Paine, US Pub. no. 2003/0055816.**

**26. As to claims 18 – 21,** Paine teaches indexing the event if the capture score is above or below the threshold value (threshold may be variable because it depends on how many pages are indexed on the www, 0116).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Payton and Paine's system because Paine's indexing with flexibility of the threshold value would enable the indexing no matter how many users conducting search for articles on the world wide web.

**27. As to claim 22,** Paine teaches wherein the event is a historical event (history, 0058,0064).

**28. As to claims 43 and 46,** see rejection for claims 18 and 21 above.

**29. As to claim 47,** see rejection for claim 22 above.

**30. Claims 51 - 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, US parent no. 6,480,837 in view of Paine, US Pub. no. 2003/0055816.**

31. **As to claim 51**, Dutta teaches a method, comprising:

identifying an event having an associated article (event of client 6 submits a search request for a document, col. 3 lines 60 – col. 4 lines 20);

identifying article data (search engine 12 will query the URL index to locate URL) associated with the article; and

determining a capture score (determine ... match the search, col. 5 lines 1 - 25) for the event based at least in part on the article data.

The determining comprising:

Populating one or more fields (field, col. 5 lines 30 – 65, col. 7 lines 60 – col. lines 20) of an event schema (xml) responsive to the article data ;

Associating one or more weights with the one or more fields of the event schema, a weight being a value indicating a relative importance of a field (popularity weight, title, abstract, col. 5 lines 30 – col. 7);

Generating the capture score (match result, col. 5) responsive at least in part to the weights (weights) and contents (content of the document, col. 4 lines 5 – 25), c of the populated fields of the events schema.

Dutta does not explicitly teach indexing the event if the capture score is above a threshold value.

Paine teaches indexing the event if the capture score is above or below the threshold value (threshold may be variable because it depends on how many pages are indexed on the www, 0116).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Dutta and Paine's system because Paine's indexing with flexibility of the threshold value would enable the indexing no matter how many users conducting search for articles on the world wide web.

32. **As to claim 52**, determining a capture score (determine ... match the search, col. 5 lines 1 - 25) for the event based at least in part on the article data.

The determining comprising:

Populating one or more fields (field, col. 5 lines 30 – 65, col. 7 lines 60 – col. lines 20) of an event schema (xml) responsive to the article data ;

Associating one or more weights with the one or more fields of the event schema, a weight being a value indicating a relative importance of a field (popularity weight, title, abstract, col. 5 lines 30 – col. 7);

Generating the capture score (match result, col. 5) responsive at least in part to the weights (weights) and contents (content of the document, col. 4 lines 5 – 25), c of the populated fields of the events schema.

Dutta does not explicitly teach indexing the event if the capture score is above a threshold value.

Paine teaches indexing the event if the capture score is above or below the threshold value (threshold may be variable because it depends on how many pages are indexed on the www, 0116).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Dutta and Paine's system because Paine's indexing with flexibility of the threshold value would enable the indexing no matter how many users conducting search for articles on the world wide web.

33. **As to claim 53**, Paine teaches storing (col. 4 lines 10 – 55) the event if the capture score is above the threshold value.

### ***Response to Arguments***

34. Applicant's arguments filed 8/14/07 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ph  
May 13, 2007

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER